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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DIAMOND RESORTS U.S. COLLECTION
DEVELOPMENT, LLC, a Delaware Limited
Liability Company,

Plaintiff,

v.

REED HEIN & ASSOCIATES, LLC d/b/a
TIMESHARE EXIT TEAM, a Washington
Limited Liability Company; BRANDON
REED, an individual and citizen of the State of
Washington; TREVOR HEIN, an individual
and citizen of Canada; THOMAS

Case No.: **2:17-cv-03007-APG-VCF**

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE
MOTIONS PURSUANT TO FRCP 12(f)**

[Fifth Request]

PARENTEAU, an individual and citizen of the State of Washington; HAPPY HOUR MEDIA GROUP, LLC, a Washington Limited Liability Company; MITCHELL R. SUSSMAN, ESQ. d/b/a THE LAW OFFICES OF MITCHELL REED SUSSMAN & ASSOCIATES, an individual and citizen of the State of California; SCHROETER, GOLDMARK & BENDER, P.S., a Washington Professional Services Corporation; and KEN B. PRIVETT, ESQ., a citizen of the State of Oklahoma,

Defendants.

Pursuant to LR IA 6-1 and Fed. R. Civ. P. 6(b)(1)(A) (“FRCP”), Plaintiff Diamond Resorts U.S. Collection Development, LLC (“Plaintiff”), and Defendants Mitchell R. Sussman, Esq. (“Sussman”), and Ken Privett, Esq. (“Privett” and with Sussman, “Defendants”) hereby stipulate to extend Plaintiff’s deadline to file motions pursuant to FRCP 12(f) in response to Defendants’ Answers [ECF #163, #162, respectively], , and as grounds state as follows:

1. On March 11, 2020, Defendants filed their Answers to Plaintiff’s Second Amended Complaint.

2. On March 12, 2020, the Governor of Nevada declared a state of emergency due to the coronavirus pandemic.

3. During the ensuing weeks, the parties and their respective counsel (along with the rest of the country) have found themselves in a unprecedented situation, requiring substantial attention to matters outside the pleadings in this case, including attending to clients and matters that were directly affected by the emergency declaration, as well as other states’ respective emergency declarations throughout the country.

4. As a result, Plaintiff, by and through counsel, has been unable to complete its analysis of whether a Rule 12(f) motion is justified with regard to the affirmative defenses raised by Sussman.

5. Based thereon, Plaintiff requested a fourteen (14) day extension in which to complete its evaluation of Defendants’ Answers and file a Rule 12(f) motion, if counsel deems such a motion to be appropriate. Sussman and Privett agreed.

6. Based thereon, the parties have agreed to extend Plaintiff's deadline to file a motion pursuant to FRCP 12(f) until April 15, 2020.

7. This stipulation is not made for purposes of delay, but rather to evaluate the possibility of a Rule 12(f) motion in light of the current environment.

Dated this 2nd day of April, 2020

GREENSPOON MARDER, LLP

THE LAW OFFICES OF MITCHELL
REED SUSSMAN & ASSOCIATES

/s/ Phillip A. Silvestri, Esq.

/s/ Mitchell Reed Sussman, Esq.

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/s/ Leann Sanders, Esq.

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Attorneys for Defendant

Mitchell Reed Sussman Esq. dba

The Law Offices of Mitchell

Reed Sussman & Associates

Attorney for Defendant

Ken B. Privett, Esq.

IT IS SO ORDERED



UNITED STATES MAGISTRATE JUDGE

4-2-2020

DATED: _____

1 **CERTIFICATE OF SERVICE**

2 I HEREBY CERTIFY that I electronically filed the foregoing with the Clerk of the
3 Court by using the CM/ECF system on this 2nd day of April 2020. I also certify that the
4 foregoing document is being served this day on all counsel of record or *pro se* parties identified
5 on the Court's Service List via transmission of Notices of Electronic Filing generated by
6 CM/ECF. For any counsel or parties who are not are not authorized to receive Notices of
7 Electronic Filing electronically, I certify that I served those parties via First Class U.S. Mail.

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10 /s/ Tracee Loveland

11 An employee of Greenspoon Marder LLP
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